

HOUSE BILL NO. 354

INTRODUCED BY NOENNIG, EVERETT, MCNUTT

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT A LANDLORD MAY STORE AN ABANDONED MOBILE HOME ON THE PREMISES OF THE MOBILE HOME PARK; REQUIRING THAT THE SALE OF AN ABANDONED MOBILE HOME BE CONDUCTED PURSUANT TO SECTION 30-9A-610, MCA, OR AT A SHERIFF'S SALE; PROVIDING THAT THE LANDLORD HAS A LIEN ON THE MOBILE HOME AND THE PROCEEDS FROM THE SALE OF THE MOBILE HOME FOR CERTAIN AMOUNTS OWED TO THE LANDLORD BY THE MOBILE HOME OWNER; AND AMENDING SECTION 70-24-432, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 70-24-432, MCA, is amended to read:

"70-24-432. Disposition of abandoned mobile home occupying a mobile home park space. (1) If a tenancy terminates and the landlord reasonably believes that the tenant has abandoned a mobile home occupying a mobile home park space and ~~a period of time of~~ at least 5 days ~~has~~ have elapsed since the occurrence of events upon which the landlord formed ~~that the~~ belief that the mobile home has been abandoned, the landlord may remove the mobile home from the premises or keep the mobile home stored on the premises.

(2) If the landlord ~~moves~~ does not keep the mobile home ~~from~~ stored on the premises, the landlord shall store the mobile home in a place of safekeeping and in either case shall exercise reasonable care for the mobile home. The landlord may charge the mobile home owner a reasonable removal and storage ~~charge~~ charges.

(3) ~~If~~ Regardless of where the landlord stores the mobile home, the landlord shall:

(a) notify the local law enforcement office of the ~~removal and~~ storage;

(b) make a reasonable effort to determine if the mobile home is secured or otherwise encumbered; and

(c) send a notice by certified mail to the last-known address of the mobile home owner and to any person or entity ~~found by the landlord~~ determines to have ~~has~~ an interest referred to in subsection (3)(b), stating that at a specified time, not less than 15 days after mailing the notice, the mobile home will be disposed of if the mobile home owner does not respond and remove the mobile home under subsection (4).

(4) If the mobile home owner, within 15 days after receipt of the notice provided for in subsection (3)(c),

1 responds in writing to the landlord that the owner intends to remove the mobile home from ~~storage~~ where it is
2 stored and does not do so within 20 days after delivery of the owner's response, the mobile home ~~is~~ may be
3 conclusively presumed to be abandoned. A landlord is entitled to payment of the removal and storage costs
4 allowed under subsection (2) before the owner may remove the mobile home.

5 (5) The landlord may dispose of the mobile home after complying with subsection (3) by:

6 (a) selling the mobile home at a public or private sale; or

7 (b) destroying or otherwise disposing of the mobile home if the landlord reasonably believes that the
8 value of the mobile home is ~~so~~ low enough that the cost of a sale would exceed the reasonable value of the
9 mobile home. Disposal may include having the mobile home removed to an appropriate disposal site.

10 (6) A public or private sale authorized by this section must be conducted under the provisions of
11 30-9A-610 or the sheriff's sale provisions of Title 25, chapter 13, part 7.

12 (7) The landlord ~~may deduct from~~ has a lien on the mobile home and the proceeds of a sale conducted
13 pursuant to subsection (6) for the reasonable costs of removal, storage, notice, and sale, and any or delinquent
14 rent or damages owing on the premises, and A writing or recording is not necessary to create the lien provided
15 for in this section. In the case of a sheriff's sale, the sheriff shall conduct the sale upon receipt of an affidavit
16 from the landlord stating facts sufficient to warrant a sale under this section. After satisfaction of the lien, the
17 landlord shall remit to the mobile home owner the remaining sale proceeds, if any. If the owner cannot after due
18 diligence be found, the remaining proceeds must be deposited in the general fund of the county in which the sale
19 occurred and, if not claimed within 3 years, are forfeited to the county."

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